



Proposed Exemption of Critical Habitat for the Topeka Shiner in Missouri

What is Critical Habitat?

- Section 3(5) of the Endangered Species Act (ESA) defines critical habitat, in part, as areas within the geographical area occupied by the species “on which are found those physical and biological features (I) essential to the conservation of the species and (II) which may require special management considerations and protection.”
- Based on this definition, additional special management is not required if adequate management or protection is already in place. Adequate special management considerations or protection may be provided by a legally operative plan or agreement that addresses the maintenance and improvement of the habitat features important to the species and that manages for the long-term conservation of the species.

What action has Missouri undertaken to protect the Topeka shiner?

- The Topeka shiner has been a focal species for planning and conservation efforts in Missouri since the mid-1990s.
- In 1995, the Missouri Department of Conservation (MDC) established a Topeka shiner Working Group to direct, implement, and facilitate the species recovery in Missouri.
- MDC listed the Topeka shiner as a State endangered species in 1996, two years prior to Federal listing. This listing set intensive recovery efforts in motion.
- In January 1999, MDC approved *An Action Plan for the Topeka Shiner (Notropis topeka) in Missouri* (Action Plan). The Action Plan identifies conservation measures necessary to achieve recovery of the Topeka shiner in the State.

What Conservation Measures Are Outlined in Missouri’s Topeka Shiner Action Plan?

Missouri’s Topeka Shiner Action Plan includes the following activities, many of which have already been implemented and are ongoing within the State - others are expected to begin shortly.

- Monitoring Missouri’s Topeka shiner populations.
- Development and dissemination of public outreach and education materials.
- Implementation of a landowner incentive program to protect shiner habitat.
- Development and implementation of management plans for specific watersheds with key Topeka shiner populations.

- Re-establishment or restoration of riparian corridors through tree plantings, natural revegetation, fencing to restrict livestock use of stream banks, creation of alternative livestock watering sources, establishment of warm season grass buffer strips, and streambank stabilization activities.

What assurances are provided that Missouri will continue to implement conservation actions for the Topeka shiner?

Assurance that the Action Plan will be implemented and conservation of the Topeka shiner will be achieved in Missouri is demonstrated by the following actions:

- To date, at least \$105,000 has been expended on recovery actions for the Topeka shiner in Missouri, and is likely to increase to at least \$600,000 within the next 10 years.
- Most of the actions deemed necessary to prevent extinction of the species, as identified in the Service's preliminary draft Recovery Plan, have either been completed or are currently being implemented.
- The Private Land Services Division within MDC facilitates the implementation of recovery actions on private property where the species currently exists or where the species may be reestablished.
- The Service's plans to expand the Partners for Fish and Wildlife Program within Topeka shiner habitat to benefit an additional 10-15 landowners at an estimated cost of \$100,000 within the next 5 years.
- MDC has committed to coordinate with Federal, State, and private entities on Topeka shiner recovery efforts.
- MDC actively participates on the Topeka Shiner Recovery Team.
- Scheduled revisions to the Action Plan based on recovery actions outlined in the Service's Recovery Plan (2001), once the Plan is completed and approved.

How did the U.S. Fish and Wildlife Service (Service) determine if Missouri's conservation actions for the Topeka shiner provide adequate management or protection?

- The Service uses three criteria to determine if a plan provides adequate special management or protection for a species:
 - A current plan or agreement must be complete and provide sufficient conservation benefit to the species.
 - The plan must provide assurances that the conservation management strategies will be implemented.
 - The plan must provide assurances that the conservation management strategies will be effective, i.e., provide for periodic monitoring and revisions as necessary.

- If all of these criteria are met, then lands covered under the plan would no longer meet the definition of critical habitat.
- The Service evaluated Missouri's Action Plan and associated Topeka shiner conservation actions that have been completed, are ongoing, or are planned against the above three criteria. We determined that the Action Plan provides conservation benefits to the species; provides assurances that conservation efforts will be implemented; and the Action Plan and efforts of MDC will be effective because they include biological goals, restoration objectives, and monitoring. Based on this evaluation, Topeka shiner areas in the Missouri/Grand River Basins do not meet the definition of critical habitat because adequate special management or protection already exists and therefore were not included in the proposed designation.

What happens next?

Several actions will be required before any proposal to designate critical habitat or proposal to exempt certain areas is approved- the proposal is just the initial step in the process to designate critical habitat for the Topeka shiner. The following steps will be undertaken:

- The Service will accept comments on the proposal, including areas in Missouri where exemption is proposed, until October 21, 2002. Public comments are an important factor in making our final decision on how to proceed with the proposed action. When making a final decision on a proposal, the ESA requires that we base our decision on the best scientific and commercial data available and consider all information provided by the public during the open comment period.
- Based on comments received, the Service will make a final decision and publish its decision in the Federal Register by August 13, 2003. The final decision may result from several possible outcomes for a proposed rule: it may be finalized as it was proposed, it may be finalized with modifications based on new information received during the open comment period, or it may be completely withdrawn. If changes are significant, critical habitat may be re-proposed and involve another open comment period.
- The Service will address comments provided by the public when preparing the final decision document.

Where can I get more information on the Topeka Shiner and critical habitat?

For more information on the proposed exemption of Missouri from critical habitat, contact Paul McKenzie at the Columbia, Missouri Ecological Services Field Office, 608 East Cherry Street, Room 200, Columbia, MO 65201; tel: 573/876-1911.